



UNITED STATES PATENT AND TRADEMARK OFFICE

cf

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,677	06/27/2000	Katsuhiko Kishimoto	3693-8	3677

23117 7590 06/05/2003
NIXON & VANDERHYE, PC
1100 N GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201-4714

EXAMINER

NGUYEN, DUNG T

ART UNIT	PAPER NUMBER
----------	--------------

2871

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/604,677	KISHIMOTO, KATSUHIKO
	Examiner Dung Nguyen	Art Unit 2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 March 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) 7 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-6 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 June 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in Paper No. 4 (filed 03/25/2003) is acknowledged.

Drawings

2. Figure 9-11B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kondo et al., US Patent No. 5,726,728.

The above claims are anticipated by Kondo et al. figures 1, 11B and 13B which disclose a liquid crystal display (LCD) device comprising:

. a first substrate (1);

a second substrate (2);
a wall structure (5/16) formed on a surface of the first substrate (1) as claimed;
a liquid crystal layer (7), wherein liquid crystal molecules in a plurality of liquid crystal regions are aligned axially symmetrically with respect to an axis vertical to a surface of the first substrate and aligned vertical to the side faces of the wall structure (see figure 8A-8C) and liquid crystal regions have a shape of a polygon having curve corners (figure 13B), so as the liquid crystal molecules inherently changes continuously at the curve corners.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al., US Patent No. 5,726,728, in view of Applicants' admitted prior art (APA), figure 9(a)-9(i).

Regarding claims 3-4, Kondo et al. disclose the claimed invention as described above except for a radius of curvature R. One of ordinary skill in the art would have realized desired to form a radius of a curve larger than at least a molecule length of liquid crystal molecules as well as smaller than a radius of a circle circumscribing the polygon of a liquid crystal region. Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to employ the Kondo et al. liquid crystal region having a curve with a radius of arc R larger than at least a molecule length of liquid crystal molecules in order to avoid losing continuity in

Art Unit: 2871

the alignment of the liquid crystal molecules at the corner of a liquid crystal region as well as smaller than a radium of a circle circumscribing the polygon of a liquid crystal region in order to obtain a full display in the liquid crystal regions.

Regarding claim 5, although Kondo et al. do not explicitly disclose the wall structure being formed of a negative photosensitive resin, APA does disclose a structure can be formed either of negative or positive photosensitive resin material (specification, page 2, lines 22-23). Therefore, it would have been obvious to one of ordinary skill in the art to form a wall structure by using a negative photosensitive resin material, since it is a common practice in the art and the use of one conventional material over another merely depends on the desire of the manufacturer and/or the availability and practicality of the material for the chosen manufacturing process.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 703-305-0423. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 703-305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7726 for After Final communications.

Art Unit: 2871

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



DN
May 28, 2003

*Dung Nguyen
Examiner
Art Unit 2871*